

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ISAAC RICHEY,

Plaintiff,

NOTICE OF MOTION

-against-

No. 1:23-CV-00344

ANN MARIE T. SULLIVAN, MD, in her Individual and
Official Capacity, NEW YORK STATE OFFICE OF
MENTAL HEALTH, NEW YORK STATE OFFICE OF
NICS APPEALS AND SAFE ACT, LI-WEN GRACE LEE,
M.D., Individually, CARMEN BARBER, Individually,
TONY TRAHAN, Individually, DOES 1-5 in their individual
capacities,

AMN-DJS

Defendants.

PLEASE TAKE NOTICE that upon the annexed Declaration of Mark G. Mitchell and the accompanying Memorandum of Law, and upon all prior proceedings, Defendants Ann Marie T. Sullivan, M.D., the New York State Office of Mental Health, the New York State Office of NICS Appeals and SAFE Act, Li-Wen Grace Lee, M.D., Carmen Barber, and Tony Trahan, on a date and time to be scheduled upon filing by the Clerk of Court, or as soon thereafter as counsel can be heard, will make a motion at the United States District Court, Northern District of New York, James T. Foley U.S. Courthouse, Albany, New York, pursuant to Rule 12(b)(1) and Rule 12(b)(6) of the Federal Rules of Civil Procedure, for an order dismissing the Amended Complaint, with prejudice, and terminating Ann Marie T. Sullivan, M.D., the New York State Office of Mental Health, the New York State Office of NICS Appeals and SAFE Act, Li-Wen Grace Lee, M.D.,

Carmen Barber, and Tony Trahan as Defendants in this action with prejudice, together with such other or further relief as may be just.

Dated: Albany, New York
October 4, 2024

LETITIA JAMES
Attorney General of the State of New York
Attorney for Defendants Ann Marie T. Sullivan,
M.D.; New York State Office of Mental
Health; New York State Office of NICS
Appeals and SAFE Act; Li-Wen Grace Lee,
M.D.; Carmen Barber; and Tony Trahan
The Capitol
Albany, New York 12224

By: s/ Mark G. Mitchell
Mark G. Mitchell
Assistant Attorney General, of Counsel
Bar Roll No. 516818
Telephone: (518) 776-2583
Fax: (518) 915-7738 (Not for service of papers)
Email: mark.mitchell@ag.ny.gov

To: The Bellantoni Law Firm, PLLC
Attorneys for Plaintiff
Amy L. Bellantoni, Esq.
2 Overhill Road, Suite 400
Scarsdale, New York 10583
914-367-0090
abell@bellantoni-law.com